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DEPARTMENT FOR AF/SPG

E.O. 12958: N/A

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SUBJECT: ALMOST FIVE MONTHS LATER, OPPOSITION LEADER RELEASED FROM PRISON

REFTELS: KHARTOUM 01109; KHARTOUM 01149

¶1. (SBU) After more than four months in Khartoum's Khober Prison, accused of plotting a coup against the government but never formally charged, Umma Party Reform and Renewal leader Mubarak al-Fadil al-Mahdi has been released. On December 2, family members told poloff that his release seemed imminent, and that they and other supporters would congregate at the prison that evening to welcome him. More than one thousand people, including government figures and journalists, gathered at the scene. At around nine in the evening, al-Fadil walked out of the prison and left for his residence.

¶2. (SBU) Twenty-eight others arrested with al-Fadil remain in detention, including Democratic Unionist Party (DUP) deputy Ali Hassanein.

¶3. (SBU) On December 3, poloff met with family members to discuss al-Fadil's release. Elated and tired, they confirmed that all charges against al-Fadil had been dropped due to lack of evidence. Minister of Justice Mohamed al-Mardi had signed the release papers himself (though in typically byzantine Sudanese fashion, he had not bothered to actually send the papers to the prison; one of al-Fadil's nephews was dispatched to al-Mardi's residence, woke him from a nap, and personally collected the papers).

¶4. (SBU) Al-Fadil's release comes at a critical time for the Sudanese government and President al-Bashir personally; the regime has taken a beating in the international arena over its handling of the "teddy bear scandal," alleged UNAMID deployment backpedaling and the latest NCP-SPLM rift. According to the family, Egypt's President Mubarak advised Bashir to release al-Fadil (and the others jailed with him) during their most recent meeting in Cairo, as did Libyan president Qaddafi. Why create yet another crisis, they reportedly told Bashir.

¶5. (SBU) The SPLM had also been pressuring the government to release the prisoners; while this pressure was helpful, it also delayed al-Fadil's release, according to the family. When the SPLM walked out of the GNU some five weeks ago, the NCP used the prisoners' detention as a punitive tool, they said, and refused to release them. Now, with the NCP and SPLM edging towards a possible improved working relationship, it seems that the release of al-Fadil is part of an NCP carrot-versus-stick strategy. Family members also said the government thought al-Fadil would have been meddlesome had he been released during the height of the NCP-SPLM rift.

¶6. (SBU) Family members surmised that al-Fadil was arrested as a distraction over the government's acceptance of UNSCR 1769, as well as "punishment" for being too allied with the U.S. (Note: Nafie Ali Nafie also accused the U.S. of being behind the alleged coup attempt; see reftels. End note). As previously reported, the arrests of such high-level opposition figures was also seen as an attempt to thwart their efforts at party unification before the 2009 elections.

¶7. (SBU) One family member said that presidential advisor Mustafa Osman Ismail told him that the whole affair was "embarrassing," and that he and other regime officials were constantly being confronted on the issue. Media and social pressure on the government had also become increasingly persistent, with the Arab Organization for Human Rights condemning the continued detention in September.

¶8. (SBU) Comment: While al-Fadil's release is welcome news, the international community must continue to press for the release of Ali Hassanein and the other 27 individuals who remain imprisoned. With the charges against al-Fadil completely dropped, it now seems possible that the others could be quietly released, perhaps in small groups, in the coming weeks and months. Though al-Fadil's release may have been a conciliatory gesture towards the SPLM on the part of the NCP other SPLM political figures recently arrested remain in custody. (Note: Though al-Fadil is from a splinter Umma group, the SPLM had pushed for his release along with their own members in custody.)

FERNANDEZ